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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,051	02/11/2004	James David Robertson	D-4033	2128
26829	7590	12/01/2005	EXAMINER	
JOHN L. JAMES P.O. BOX 2025 MARIETTA, GA 30061-2025			SHRIVER II, JAMES A	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,051

Applicant(s)

ROBERTSON ET AL.

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13 and 17-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species 1 in the reply filed on November 10, 2005 is acknowledged.
2. Claims 12-13 and 17-19 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 10, 2005. Examiner agrees with Applicant's arguments set forth in the Election that claims 14 and 16 are generic; therefore, claims 17-19 will be brought back into the case when independent claims 14 and 16 are allowed.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (US Patent 3,811,559) in view of Ruskin et al. (US Patent 3,933,296).** Carter discloses a cooler having a plurality of units stackable atop one another (See Fig. 5), each said unit comprising an outer shell (108) having a bottom panel, opposed side panels connected to said bottom panel and opposed end panels connected to said bottom and side panels, one of said

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side panels defining a drain (122); an inner shell (106) having a bottom panel, opposed side panels connected to said bottom panel and opposed end panels connected to said bottom and side panels, one of said side and bottom panels defining a drain opening (See Fig. 5), said bottom panel of said inner panel being spaced from said bottom panel of said outer shell; and means for stacking said unit with another unit (See Fig. 5). Carter discloses insulative foam between the outer and inner panels, however Ruskin et al. discloses a container having outer and inner panels with an air space created therebetween (See Fig. 5). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide an air space between the inner and outer shells of the cooler disclosed in Carter in view of the teaching of Ruskin et al. The motivation for doing so would have been to reduce the overall weight of the cooler.

Regarding claim 2, Carter discloses wherein said means for stacking includes a pair of opposed ledges formed in opposed top portions of said inner and outer end panels; and a pair of opposed legs extending downward from said bottom panel of said outer shell adjacent said opposed end panels of said outer shell (See Fig. 5).

Regarding claim 10, Carter discloses including a base member having a sidewall with an internal ledge thereon for receiving said unit (See Fig. 5).

Regarding claim 11, Carter discloses wherein said sidewall has upper and lower portions with said upper portion overhanging said lower portion.

*Allowable Subject Matter*

5. Claims 14-15 and 20 are allowed over the prior art.

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6. Claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

7. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 6:30 am-6:00 pm and Tuesday 6:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

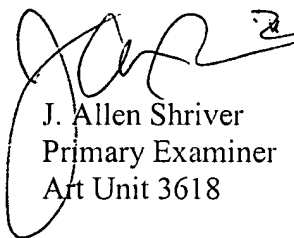
Mail Stop \_\_\_\_\_  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Allen Shriver  
Primary Examiner  
Art Unit 3618

JAS